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LUC-430/ Mutha 1


**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE****RECEIVED
CENTRAL FAX CENTER
JUN 15 2009****Patent Application**

Inventor(s): Kailash K. Mutha
Case No.: LUC-430/ Mutha 1
Serial No.: 10/726,046
Filing Date: 12/02/2003
Title: EMPLOYMENT OF ONE OR MORE IDENTIFIERS OF ONE OR MORE
COMMUNICATION DEVICES TO DETERMINE ONE OR MORE
INTERNET PROTOCOL ADDRESSES

Examiner Saket K. Daftuar
Art Unit: 2451

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop Amendment, Group Art Unit 2451, Attention: Examiner Saket K. Daftuar, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on June 15, 2009.



James Milton
Attorney for Applicant
Reg. No. 46,935

Date of Signature: June 15, 2009

Commissioner for Patents
Mail Stop Amendment
Group Art Unit 2451
Attention: Examiner Saket K. Daftuar
P.O. Box 1450
Alexandria, VA 22313-1450
Fax Number (571) 273-8300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

REMARKS

Claims 1-28 are pending in the application. Claims 1-28 was rejected under 35 U.S.C. § 103 (a).

Rejections Under 35 U.S.C. § 103 (a)**Rejection Under Sridhar, Thompson and Gonzales**

Claims 1-2, 5-11, 14-15 and 19-28 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent Number 6,324,582 issued to Sridhar and U.S. Patent Application Number 2002/0075304 issued to Thompson, and further in view of U.S. Patent Number 6,901,139 issued to Gonzales.

Applicant respectfully traverses this ground of rejection for the following reasons.

First, applicant's claim 1 recites,

"one or more server components operable to communication with one or more router components, wherein the one or more server components employ one or more identifiers of one or more communication devices to make a determination of one or more internet protocol addresses of the one or more router components, and wherein the one or more identifiers comprise any one or more of:

a phone number for one or more users associated with the one or more communication devices;

an email address for the one or more users associated with the one or more communication devices;

an instant message name for the one or more users associated with the one or more communication devices; and

a user name for the one or more users associated with the one or more communication devices; and

wherein the one or more server components employ the one or more identifiers and one or more screening preferences to direct one or more messages or calls through the one or more router components to the one or more communication devices, and wherein at least one of the one or more screening preferences is an alert preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls."

As stated in the Final Office Action, Sridhar and Thompson do **not** teach or suggest "wherein at least one of the one or more screening preferences is an alert

preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls", as recited in applicant's claim 1.

The Final Office Action has cited Gonzales for allegedly disclosing "one or more screening preferences is an alert preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls". The Final Office Action suggests that there is a motivation to combine Sridhar and Thompson with Gonzales —namely, to provide users an improved service that automatically identifies the other communicating party of selective distinct ring tones for several messaging types. However, applicant respectfully submits that the teachings in the cited references provide no basis to conclude that a person of ordinary skill in the art would use Gonzales' techniques to facilitate Sridhar's arrangement to arrive at the subject matter of applicant's claim 1, so the combination is improper.

Specifically, the problems that the references address are so different that the teachings provide no motivation for the person of ordinary skill to combine them.

More specifically, Sridhar addresses the problem of how to communicate between a client communication system and multiple server communication systems over a data communication network. In Sridhar, the problem is addressed by accepting a request to communicate with one of the server communication systems, using an identification of the server communication system to determine a set of transport layer protocols for which the server communication system is configured to communicate, selecting one of the set of transport layer protocols for communicating with the server communication system, and communicating with the server communication system over the data communication network using the selected transport layer protocol.

By contrast, the problem being addressed by Gonzales is the need for a method and mechanism by which a calling party is given an opportunity to specify a type for a call, and based on the type specified a particular ringtone is presented to the called party. In Gonzales, the problem is addressed by means in connection with a call from a calling party for prompting the calling party to identify the type of the call, for receiving the type of the call from the calling party, for typing the call in a particular manner if no type is received, a list of types of calls as specified by the called party, each type of call on the list having a corresponding ringtone specified therefore, and means for

processing the typed call by determining the corresponding ringtone specified for the typed call, and for putting the call through to the called party with the ringtone.

Also, the network architecture in each reference is so different that the respective teachings provide no motivation for the person of ordinary skill to combine them. Sridhar discloses end users computers that are coupled over a data network in which routers connect to servers. By contrast, Gonzales provides an Advanced Intelligent Network (AIN) based telephone network in which telephone stations access service switching points (SSPs) that are connected to signal transfer points (STPs) which interconnect service control points (SCPs).

Furthermore, the end user services offered by the networks in Sridhar and Gonzales are different, which places different requirements on the network infrastructure needed for supporting the different services. Sridhar discloses end user access to web pages and remotely stored files as stated in column 9, lines 40-45, while Gonzales discloses voice calls and distinctive ring tones.

Still further, the communications protocols utilized in the networks in Sridhar and Gonzales are so different that the teachings provide no motivation for the person of ordinary skill to combine these references. Sridhar discloses TCP/IP, File Transfer Protocol (FTP) and Express Transport Protocol (XTP). As known by those skilled in the art, data networks such as in Sridhar, encapsulate information as datagrams containing the data to be transferred as well as a description of the data's source and destination IP addresses, i.e., signaling and information content share the same media. Consequently, data network are connectionless, i.e., do not require call set-up. By contrast, Gonzales discloses an AIN network, which, as known by those skilled in the art, utilizes the SS7 protocol for call set-up and call supervisor. Also, SS7 requires signaling messages and the information content to be carried in separate media.

Accordingly, one of ordinary skill in the art would not be motivated to combine a solution that provides 1) a connectionless data network that offers end users access to web pages and remotely stored files based on TCP/IP, FTP and XTP protocols, with 2) a connection-oriented AIN network that offers end users voice calls and distinctive ring tones based on the SS7 protocol.

Furthermore, Sridhar makes no mention of an AIN network, voice calls or distinctive ring tones, nor is there a teaching in Sridhar to suggest that there would be an improvement in Sridhar's data communications network with an AIN network, voice calls or distinctive ring tones. Since the teachings of Sridhar adequately address the problem of how to communicate between a client communication system and multiple server communication systems over a data communication network, there is no motivation to combine Sridhar with Gonzales' teachings. Given that Sridhar's technique does not suffer from the problems that Gonzales addresses, one of ordinary skill in the art would not be led to try to improve Sridhar's technique with Gonzales' teachings.

Thus, one of ordinary skill in the art would not be motivated to modify Sridhar with Gonzales' teachings. Consequently, applicant respectfully submits that the Examiner is relying on the use of impermissible hindsight in an attempt to reconstruct applicant's teachings by combining Sridhar with Gonzales. Accordingly, applicant submits that the combination and resultant rejection are improper.

Therefore the proposed combination does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable. Since claims 2-14 and 22-28 depend from allowable claim 1, these claims are also allowable.

Independent claims 15 and 21 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination. For example, claims 15 and 21 recite, "an alert preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls". The proposed combination does not teach or suggest this limitation for the above-mentioned reasons. Therefore, claims 15 and 21 are likewise allowable. Since claims 16-20 depend from claim 15, these dependent claims are also allowable.

Second, the proposed combination of Sridhar, Thompson and Gonzales does not teach or suggest the limitations of applicant's claim 23. This is because the proposed combination does not teach or suggest a "fixed wireless interface". The Final Office Action cites Thompson FIGs. 1-4 and paragraph 0078 as disclosing this element.

Applicant disagrees. This is because the individuals using wireless phones in Thompson are mobile. See paragraphs 0078, 0106 and 0109. This means that the phones have roaming capabilities. By contrast, fixed wireless, as used in applicant's

claim 23, refers to wireless devices used to connect two fixed locations, e.g., homes, offices, etc., with a radio or other wireless link to the network. Also, fixed wireless does not allow roaming. Since the wireless devices disclosed by Thompson allow roaming, they cannot be considered "fixed wireless". Thus, Thompson is missing the "fixed wireless interface" element, as recited in applicant's claim 23.

Rejections Under Sridhar, Thompson, Gonzales, Conrath, Brooks and Maes

Claims 3-4, 12-13 and 16-18 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sridhar and Thompson, and further in view of various references.

Applicant respectfully traverses these grounds of rejection.

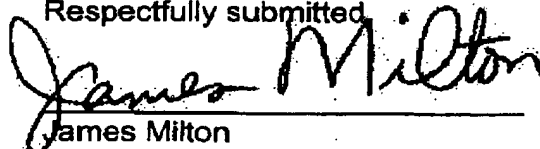
These rejections are based on the rejection under Sridhar, Thompson and Gonzales being proper. As that ground of rejection has been overcome, and none of the cited references teach or suggest "an alert preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls", as recited in applicant's claims 1, 15 and 21, the combination of the references does not supply this missing element. Thus, these combinations do not make obvious any of applicant's claims, all of which require the aforesaid limitation.

Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicant's attorney.

Respectfully submitted



James Milton
Attorney for Applicant
Reg. No. 46,935

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CARMEN PATTI LAW GROUP, LLC
Customer Number 47382